

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

W. MICHAEL CAHILL,

Plaintiff,

v.

VERIZON, SYSTEM COUNCIL T6/LOCAL
2222 IBEW,

Defendants.

CIVIL ACTION No. 04-11986-MEL

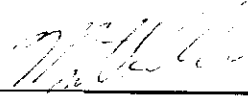
**DEFENDANT VERIZON'S REPLY TO
PLAINTIFF'S MOTION FOR RECONSIDERATION**

W. Michael Cahill's ("Cahill") Motion for Reconsideration ("motion") fails to address the bases for this Court's dismissal of his law suit. Cahill's § 301 claim was dismissed because it was not timely. If anything, the documents that Cahill has submitted confirm that by December of 2002, if not before, he was aware that Verizon was classifying him as a part-time employee. Nonetheless, he filed suit on September 28, 2004, at least a year and three months too late. Nor has Cahill cured the substantive failings of his complaint, which allege neither a breach of the collective bargaining agreement between Cahill's employer and his Union, nor any action by his Union that was arbitrary, discriminatory, or in bad faith. Finally, Cahill's FMLA assertions are not present in his complaint or amended complaint. Nor does Cahill offer any apparent basis to believe that his "temporary status" could have been caused by his use of FMLA leave.

WHEREFORE, Verizon respectfully requests the Court to deny Plaintiff's Motion for Reconsideration.

VERIZON NEW ENGLAND INC.

By its attorneys,

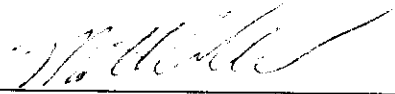


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Date: February 4, 2005

Certificate of Service

I, Matthew L. Adams, counsel for Defendant, do hereby certify that on this 4th day of February, 2005, I caused to be sent by mail a copy of the above document to W. Michael Cahill, Pro-Se Plaintiff, 12 Whitewood Circle, Amesbury, Massachusetts 01913, and to Wendy M. Bittner, Esq., counsel for the Union, 15 Court Square, Boston, MA 02108.



Matthew L. Adams